

**Senate File 271 - Introduced**

SENATE FILE 271  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1113)

**A BILL FOR**

1 An Act relating to interpreters for persons who are limited  
2 English proficient, deaf, deaf-blind, or hard-of-hearing in  
3 certain legal proceedings and court-ordered programs.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.141, subsections 1 and 2, Code 2015,  
2 are amended to read as follows:

3 1. Except as otherwise provided by law, the court shall  
4 inquire into the ability of the child or the child's parent  
5 to pay expenses incurred pursuant to subsections 2, 4, and 8.  
6 After giving the parent a reasonable opportunity to be heard,  
7 the court may order the parent to pay all or part of the costs  
8 of the child's care, examination, treatment, legal expenses,  
9 or other expenses, excluding the costs and fees of interpreter  
10 and translator services. An order entered under this section  
11 does not obligate a parent paying child support under a custody  
12 decree, except that part of the monthly support payment may be  
13 used to satisfy the obligations imposed by the order entered  
14 pursuant to this section. If a parent fails to pay as ordered,  
15 without good reason, the court may proceed against the parent  
16 for contempt and may inform the county attorney who shall  
17 proceed against the parent to collect the unpaid amount. Any  
18 payment ordered by the court shall be a judgment against each  
19 of the child's parents and a lien as provided in section  
20 624.23. If all or part of the amount that the parents are  
21 ordered to pay is subsequently paid by the county or state,  
22 the judgment and lien shall thereafter be against each of the  
23 parents in favor of the county to the extent of the county's  
24 payments and in favor of the state to the extent of the state's  
25 payments.

26 2. All of the following juvenile court expenses are a charge  
27 upon the county in which the proceedings are held, to the  
28 extent provided in subsection 3:

29 a. Juvenile court expenses incurred by an attorney appointed  
30 by the court to serve as counsel to any party or to serve as a  
31 guardian ad litem for any child, including fees and expenses  
32 for ~~foreign language interpreters, costs of depositions and~~  
33 transcripts, fees and mileage of witnesses, and the expenses of  
34 officers serving notices and subpoenas.

35 b. Reasonable compensation for an attorney appointed by the

1 court to serve as counsel to any party or as guardian ad litem  
2 for any child in juvenile court.

3 ~~e. Fees and expenses incurred by the juvenile court for~~  
4 ~~foreign language interpreters for court proceedings.~~

5 Sec. 2. Section 622A.1, Code 2015, is amended to read as  
6 follows:

7 **622A.1 Definitions.**

8 As used in this chapter, unless the context otherwise  
9 requires:

10 1. "*Administrative agency*" means any department, board,  
11 commission, or agency of the state or any political subdivision  
12 of the state.

13 2. "*Interpreter*" means a person who can accurately transfer  
14 the meaning of words, phrases, or signs of one language into  
15 the equivalent words, phrases, or signs in another language  
16 and includes an oral language interpreter and a sign language  
17 interpreter.

18 ~~2.~~ 3. "*Legal proceeding*" means any action before any  
19 court, or any legal action preparatory to appearing before  
20 any court, whether civil, criminal, or juvenile in nature;  
21 and any proceeding before any administrative agency which  
22 is quasi-judicial in nature and which has direct legal  
23 implications to any person.

24 4. "*Limited English proficient*" means the inability to  
25 adequately understand or effectively communicate in the English  
26 language because a person's primary language is a language  
27 other than English or the person is deaf, deaf-blind, or  
28 hard-of-hearing.

29 5. "*Oral language interpreter*" means an interpreter who is  
30 able to interpret from one oral language into a second oral  
31 language and from the second oral language into the first oral  
32 language.

33 6. "*Participant*" means a party, witness, or attorney in any  
34 legal proceeding; a child who is or may be the subject of a  
35 delinquency petition; a parent, guardian, or custodian, whose

1 child is or may be the subject of a delinquency petition; or a  
2 person who is a guardian, conservator, or trustee in a probate  
3 case.

4 7. "Sign language interpreter" means an interpreter who is  
5 able to interpret from sign language into an oral language and  
6 from that oral language into sign language.

7 Sec. 3. Section 622A.2, Code 2015, is amended to read as  
8 follows:

9 **622A.2 Who entitled to an interpreter.**

10 Every A limited English proficient person who cannot speak  
11 or understand the English language and who is a party to any  
12 legal proceeding or a witness therein, shall be is entitled to  
13 an interpreter to assist such person throughout the proceeding.  
14 without cost when the limited English proficient person is any  
15 of the following:

16 1. A participant in a legal proceeding.

17 2. A party whom a court has ordered to participate in a  
18 predisposition program.

19 3. A party in a pending court case who requires an  
20 interpreter during a deposition or consultation with an  
21 attorney or in preparation for a legal proceeding before  
22 any court, if the party is entitled to appointment of legal  
23 counsel in a criminal or juvenile case, or the court otherwise  
24 determines that the party is indigent or cannot afford to pay  
25 for interpreter services.

26 Sec. 4. Section 622A.3, Code 2015, is amended by striking  
27 the section and inserting in lieu thereof the following:

28 **622A.3 Payment of interpreters.**

29 1. The state court administrator shall pay an oral language  
30 interpreter from the revolving fund created in section  
31 602.1302, subsection 3, when a limited English proficient  
32 person is entitled to an oral language interpreter under  
33 section 622A.2 and the oral language interpreter services are  
34 not provided before an administrative agency.

35 2. The county where interpreter services are provided shall

1 pay a sign language interpreter or a real-time court reporter  
2 when a deaf, deaf-blind, or hard-of-hearing person is entitled  
3 to a sign language interpreter under section 622A.2 and the  
4 interpreter services are not provided before an administrative  
5 agency.

6 3. An administrative agency shall pay an interpreter when a  
7 limited English proficient person is entitled to an interpreter  
8 under section 622A.2 and the interpretive services are provided  
9 before an administrative agency.

10 Sec. 5. Section 622A.4, Code 2015, is amended to read as  
11 follows:

12 **622A.4 Fee set by court — payment or administrative agency.**

13 Every interpreter appointed by a court or administrative  
14 agency shall receive a fee to be set by the court or  
15 administrative agency. ~~If the interpreter is appointed by the~~  
16 ~~court in a civil case for a person who is indigent and unable~~  
17 ~~to secure an interpreter, the fee for the interpreter shall be~~  
18 ~~paid from the revolving fund established in section 602.1302,~~  
19 ~~subsection 3.~~

20 Sec. 6. Section 622A.5, Code 2015, is amended to read as  
21 follows:

22 **622A.5 Oath.**

23 Every interpreter in any legal proceeding shall take ~~the~~  
24 ~~same an~~ oath as any other witness consistent with the rules the  
25 supreme court adopts under this chapter.

26 Sec. 7. Section 622A.6, Code 2015, is amended to read as  
27 follows:

28 **622A.6 Qualifications, neutrality, and integrity.**

29 Any court or administrative agency may inquire into the  
30 qualifications, neutrality, and integrity of any interpreter,  
31 and may disqualify any person from serving as an interpreter.

32 Sec. 8. Section 622A.8, Code 2015, is amended to read as  
33 follows:

34 **622A.8 Tape Electronic recording of testimony.**

35 ~~A tape~~ An electronic recording of the portion of

1 proceedings where non-English testimony is given shall be  
2 made and maintained for one year after the entry of the final  
3 disposition or sentence or, if the final judgment is appealed,  
4 until one year after the final disposition of the appeal.

5 Sec. 9. Section 622B.1, subsection 1, Code 2015, is amended  
6 to read as follows:

7 1. As used in this chapter, unless the context otherwise  
8 requires:

9 a. "*Administrative agency*" means any department, board,  
10 commission, or agency of the state or any political subdivision  
11 of the state.

12 b. "*Deaf person*" means an individual who uses sign language  
13 as the person's primary mode of communication and who may use  
14 interpreters to facilitate communication.

15 c. "*Hard-of-hearing person*" means an individual who  
16 is unable to hear and distinguish sounds within normal  
17 conversational range and who needs to use speechreading,  
18 assistive listening devices, or ~~oral interpreters~~ other  
19 reasonable accommodations to facilitate communication.

20 d. "*Interpreter*" means ~~an oral interpreter or sign language~~  
21 interpreter a person who can accurately transfer the meaning of  
22 words, phrases, or signs in one language into the equivalent  
23 words, phrases, or signs in another language, and includes an  
24 oral language interpreter and a sign language interpreter.

25 e. "*Oral language interpreter*" means an interpreter who is  
26 ~~fluent in transliterating, paraphrasing, and voicing~~ able to  
27 interpret from one oral language into a second oral language  
28 and from the second oral language into the first oral language.

29 f. "*Participant*" means a party, witness, or attorney in any  
30 legal proceeding; a child who is or may be the subject of a  
31 delinquency petition; a parent, guardian, or custodian, whose  
32 child is or may be the subject of a delinquency petition; or a  
33 person who is a guardian, conservator, or trustee in a probate  
34 case.

35 ~~f.~~ g. "*Sign language interpreter*" means an interpreter who

1 is able to interpret from sign language ~~to English and English~~  
2 ~~to sign language~~ into an oral language and from that oral  
3 language into sign language.

4 Sec. 10. Section 622B.2, Code 2015, is amended by striking  
5 the section and inserting in lieu thereof the following:

6 **622B.2 Interpreter appointed.**

7 A court or administrative agency shall appoint an  
8 interpreter without expense to a deaf or hard-of-hearing person  
9 to interpret the proceedings to the deaf or hard-of-hearing  
10 person and to interpret the deaf or hard-of-hearing person's  
11 testimony, unless the deaf or hard-of-hearing person waives the  
12 right to an interpreter, if the deaf or hard-of-hearing person  
13 is any of the following:

14 1. A participant in a proceeding before a grand jury, court,  
15 or administrative agency of this state.

16 2. A party who is ordered by a court to participate in  
17 mediation or a predisposition parenting program in a domestic  
18 relations case.

19 3. A party in a pending court case who requires an  
20 interpreter during a deposition or consultation with an  
21 attorney or in preparation for a legal proceeding before  
22 any court, if the party is entitled to appointment of legal  
23 counsel in a criminal or juvenile case, or the court otherwise  
24 determines that the party is indigent or cannot afford to pay  
25 for interpreter services.

26 Sec. 11. Section 622B.8, Code 2015, is amended to read as  
27 follows:

28 **622B.8 Disqualification.**

29 On motion of a party or on its own motion, a court or  
30 administrative agency shall inquire into the qualifications,  
31 neutrality, and integrity of an interpreter. A court or  
32 administrative agency may disqualify for good reason any person  
33 from serving as an interpreter in that proceeding. If an  
34 interpreter is disqualified, the court or administrative agency  
35 shall appoint another interpreter.





1 range and who needs to use speechreading, assistive listening  
2 devices, or other reasonable accommodations to facilitate  
3 communication.

4 Under current law, in civil cases the court taxes the cost  
5 of an interpreter for a person who cannot speak or understand  
6 the English language as court costs, and in a proceeding  
7 before an administrative agency the agency may require that  
8 a party to the proceeding pay the expense of the interpreter  
9 for a person who cannot speak or understand the English  
10 language. An interpreter appointed for a person who is deaf or  
11 hard-of-hearing is paid by the county if appointed by the court  
12 and by the administrative agency if appointed by such agency.

13 The bill provides that fees for interpreter services shall  
14 not be charged to an LEP person when such person is entitled  
15 to an interpreter. Under the bill, interpreter fees are not  
16 taxed as court costs. The bill provides that if an LEP person  
17 is entitled to an oral language interpreter in a proceeding  
18 or program that is not before an agency, the state court  
19 administrator shall pay the oral language interpreter from the  
20 revolving fund created in Code section 602.1302(3), and if an  
21 LEP person is entitled to an oral language interpreter before  
22 an agency, the agency shall pay the interpreter. The bill  
23 further provides that if a deaf, deaf-blind, or hard-of-hearing  
24 person is entitled to an interpreter or real-time court  
25 reporter in a proceeding not before an agency, the county  
26 where the interpreter services are provided shall pay the  
27 interpreter, and if a deaf, deaf-blind, or hard-of-hearing  
28 person is entitled to an interpreter before an agency, the  
29 agency shall pay the interpreter.

30 The bill makes conforming changes to exclude the costs  
31 of interpreter services from being charged to a parent in a  
32 juvenile proceeding (Code section 232.141) and to a person  
33 receiving indigent legal assistance (Code section 815.9).

34 The bill also provides that the court or administrative  
35 agency, as appropriate, determines the fees and qualifications

1 for interpreter services; that an interpreter in any legal  
2 proceeding is required to take an oath; and that a court or an  
3 administrative agency may inquire into the neutrality of an  
4 interpreter and may disqualify any person from serving as an  
5 interpreter. The bill requires electronic rather than audio  
6 recordings of the portion of proceedings where non-English  
7 testimony is given to be made and maintained for one year  
8 after the entry of the final disposition or sentence or, if  
9 the final judgment is appealed, until one year after the final  
10 disposition of the appeal.